



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No. 7014 1200 0000 6119 9139

Mr. Anthony O'Donovan  
President of Arkema  
Arkema, Inc.  
900 1<sup>st</sup> Ave  
King of Prussia, PA 19406

RE: Wellman Facility  
Creston, Iowa  
RCRA ID No.: IAD065218737

Dear Mr. O'Donovan:

Information Request

The U.S. Environmental Protection Agency is seeking information about the management of hazardous waste at the Wellman Facility, located at 1746 Commerce Road, Creston, Iowa (hereinafter referred to as the Facility). Information indicates that Arkema Inc. is a successor by merger to the Pennwalt Corporation who was associated with the Facility through its subsidiaries and/or operating divisions during the 1960s and 1970s.

Section 3007 of the Resource Conservation and Recovery Act and Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act give the EPA the authority to obtain this information. One enclosure to this letter contains instructions, followed by a certification that should be signed by someone authorized to sign on behalf of Arkema, and then the requested information. Please carefully read and follow the instructions. Response to this request in accordance with the instructions is required, and substantial penalties may result from not complying. Please note that the EPA retains its authority to pursue appropriate enforcement actions, including penalties, for violations discovered because of the review of the response to this letter, regardless of whether the violations were subsequently corrected.

The EPA strongly encourages submittal of electronic responses. Please note that our system cannot accept an email attachment larger than 25 megabytes. Please contact the person indicated below if you need to transmit attachments larger than 25 megabytes. Secure cloud platforms can be utilized for transmission of the information. If you are unable to provide your response electronically, please contact the person indicated below. However, please note that any documents claimed as confidential business information should not be sent electronically, rather they should be marked and mailed to the EPA contact below. Questions regarding submission of documents claimed as confidential business



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information should be directed to the EPA contact below before transmitting the documents. Please see additional information regarding confidential business information in the Response Instructions enclosed with this letter.

Please respond **within 30 days of the date of this letter**.

All responses, extension requests, and questions should be directed to:

Patricia Murrow  
US Environmental Protection Agency  
Region 7 – LCRD/ROAG/RDIS  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
murrow.patricia@epa.gov  
(913) 551-7627

We appreciate your prompt response to this letter.

Sincerely,

DeAndré Singletary  
Division Director  
Land, Chemical & Redevelopment Division

Enclosure

Response Instructions  
Statement of Certification  
Requested Information

cc: Mike Sullivan, Chief (michael.sullivan@dnr.iowa.gov)  
Solid Waste and Contaminated Sites Section  
Iowa Department of Natural Resources

bcc: Daniel Lyskowski, ORC (w/encls) (lyskowski.daniel@epa.gov)  
Patricia Murrow, LCRD/ROAG (w/encls) (murrow.patricia@epa.gov)

## **RESPONSE INSTRUCTIONS**

- \* First complete the Requested Information below.
- \* Address each item separately and precede each answer with the number of the item to which it responds.
- \* For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- \* For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- \* For purposes of this request, the term “you” refers to the company to whom this request is addressed, including any officer, principal, agent, employee, or any other person(s) associated in any capacity with the company or the facility.
- \* For purposes of this request, the term “the Facility” refers to that property located in Creston, Iowa at 1746 Commerce Road (commonly called the Wellman facility) and all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. Terms associated with the Creston, Iowa property include, but may not be limited to: Wellman Dynamics, Hills-McCanna Division, Wallace & Tiernan Division.
- \* If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- \* If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- \* If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- \* Confidential Business Information (see 40 C.F.R. Section 2.203): You must provide the requested information even though you consider it confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested by attaching to the information, at the time it is submitted, a cover sheet that clearly states the information is claimed as confidential (such as “trade secret,” “proprietary,” or “company confidential”). Information covered by such a claim will be disclosed by EPA only to the extent allowed by and through the processes at 40 C.F.R. Part 2, Subpart B. Certain categories of information are not properly the subject of a confidential business information claim, and you will likely be required to substantiate your claims of confidentiality. If you do not make a claim of confidentiality, the information may be made available to the public by EPA without further notice to you.
- \* A request for an extension to the time limit for responding must be in writing and must be made prior to the due date for the information request. Address any extension request to the person identified in the cover letter to receive your response.

- \* Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at <https://ecfr.federalregister.gov/current/title-40>.
- \* This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- \* The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible, submitting documents electronically (i.e., email or electronic storage device). If hard copy submittals are necessary, please do not submit documents in binders.

**\*\*\*Not responding to this information request within the stated time limit and in accordance with these instructions may subject you to an enforcement action which could include the imposition of significant penalties per violation, per day, of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.\*\*\***

### **STATEMENT OF CERTIFICATION**

I certify that I am authorized to respond to this information request on behalf of Arkema, Inc. I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

Executed on \_\_\_\_\_, 2022

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Company)

**\*\*\*Note: For the purposes of this form, your typed name, title, and date as an electronic signature is equivalent to your valid signature on a paper copy of the form. As such, this electronically completed form bears the same rights and responsibilities as a hand-signed form.\*\*\***

## **REQUESTED INFORMATION**

***Wellman Facility  
Creston, Iowa  
RCRA ID No.: IAD065218737***

1. Identify the person(s) answering these questions on behalf of Arkema. Additionally, please provide the name, title, mailing address, email, and phone number for each person consulted in answering these questions:  

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2. Describe all operating agreements that existed between the owners or operators of the facility located in Creston, Iowa (Facility) and Pennwalt or its subsidiaries, predecessors or successors (hereafter, collectively referred to as Pennwalt).
3. Describe the nature and extent of any ownership interest that Pennwalt had in the Facility, and when and how such ownership interest was acquired.
4. Did Pennwalt ever provide any assistance, guidance, advice or input of any nature to the Facility or regarding the Facility in the preparation or formulation of the Facility's business strategy, business goals, budgets, forecasts etc.? Without limiting the foregoing, this includes any training provided to officers or employees of the Facility.
5. Did Pennwalt ever provide any assistance, guidance, advice or input of any nature to the Facility or regarding the Facility relating to handling waste materials or the operation of waste handling systems?
6. Did Pennwalt ever provide any assistance, guidance, advice or input of any nature to the Facility or regarding the Facility relating to compliance with any federal, state, or local environmental requirement?
7. Was the Facility required to obtain approval or concurrence from Pennwalt for making expenditures?
8. Were any employees or corporate officers of Pennwalt also employees or corporate officers of any entity operating the Facility?
9. Identify any legal or equitable interest that Pennwalt had in the facility. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed.
10. Provide a copy of all minutes of the meetings of the Board of Directors, Executive Committee, Finance Committee, Management Committee and all other committees where the Facility is discussed.

11. Were any reports discussing waste disposal practices at the Facility ever received by officers or directors of Pennwalt? If your answer to this question is in the affirmative indicate (i) when such reports were received, (ii) who the originator of such reports was, (iii) who such reports were directed to, and (iv) the content of such reports.
12. State whether any officers or directors of Pennwalt approved, authorized, discussed, or had knowledge or awareness of any arrangement to dispose of wastes from the Facility. This request applies to disposal occurring onsite and offsite. Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness.
13. Provide a history (e.g., payment dates, amounts received, etc.), of dividends received by Pennwalt, or any other Pennwalt subsidiaries, from the operations occurring at the Facility.
14. To the extent you possess information in any way related to the Facility that has not been covered by any of the preceding requests, provide that information.

